

STATE OF NORTH CAROLINA)
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COUNTY OF STOKES)
)

OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
JUNE 3, 2014

The Board of Commissioners of the County of Stokes, State of North Carolina, met for regular session (Planning) in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administration Building) located in Danbury, North Carolina on Tuesday, June 3, 2014 at 7:00 pm with the following members present:

Chairman James D. Booth
Vice Chairman Ronda Jones
Commissioner J. Leon Inman
Commissioner Jimmy Walker
Commissioner Ernest Lankford

County Personnel in Attendance:
County Manager Richard D. Morris
Clerk to the Board Darlene Bullins
Planning Director David Sudderth

Chairman James Booth called the meeting to order and welcomed those in attendance.

Commissioner Walker delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Booth opened the meeting by inviting everyone in attendance to join the Board in the Pledge of Allegiance.

GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA

Chairman Booth entertained a motion to approve or amend the June 3, 2014 Agenda.

Commissioner Inman moved to approve the June 3rd Agenda as presented. Vice Chairman Jones seconded and the motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS

Rezoning Request – Mark Black - RA to RA-CZ #14-231

Chairman Booth noted the first rezoning request is from Mark Black to rezone approximately 2.849 acres currently zoned RA (Residential Agricultural) to RA-CZ (Residential Agricultural Conditional Zone) for an “Airstrip/Landing Facility, Private Accessory”.

Public Hearing

Chairman Booth opened the Public Hearing for the Rezoning Request for Mark Black (RA to RA-CZ).

There were no public comments.

Chairman Booth closed the Public Hearing.

Presentation and Discussion by Planning Director David Sudderth

Planning Director David Sudderth presented the following information regarding the Rezoning Request for Mark Black (RA to RA-CZ):

REQUEST: Rezone approximately 2.849 acres currently zoned RA (Residential Agricultural) to RA-CZ (Residential Agricultural Conditional Zone) for an “Airstrip/Landing Facility, Private Accessory”.

SITE OWNER: Mark Black

APPLICANT: Mark Black

SITE LOCATION: The property is located at 2775 NC 704 W

Map: 6021 **Parcel:** portion of 5844
Deed Book: 615 **Page:** 1704

PIN #: 6021-00-41-5844
Township: Peters Creek

SITE INFORMATION:

PARCEL SIZE: Total tract 2.849 acres. Total acreage in tract is 72.46 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RA-CZ (Residential Agricultural Conditional Zone)

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 3710602000 J

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: No

SEPTIC/WATER APPROVAL: The proposed site would not be required to have an individual septic system as the airstrip/landing facility will be considered an accessory use to the home.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Francisco VFD, EMS - Station # 102 Lawsonville.

EROSION CONTROL: Erosion control plan is required at time of construction if grading exceeds more than one (1) acre.

ACCESS: There is a driveway access off of Hwy 704 W which serves all of the property.

SURROUNDING LAND USE: The subject property is located at 2775 NC 704 W. The surrounding land use in the area consists of scattered low density residential homes, forest, and agricultural land. The nearest residence to the proposed airstrip/landing facility will be Mr. Black's home which is currently under construction.

ISSUES TO CONSIDER:

- Impact of change of use on the surrounding development, ex.
 - a. Noise
 - b. Frequency of air traffic, landings and takeoffs
- Consistency with the Stokes County Land Development Guide
- Reasonableness of request

REQUIREMENTS FOR AIRSTRIP/LANDING FACILITY:

Airstrip/Landing facility, Private Accessory Use

- 1) That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property.
- 2) That the proposed use will not constitute a nuisance to properties located in residential districts with respect to noise, dust fumes, light, vibration, or traffic.
- 3) That the proposed use and design will comply with all applicable Federal Aviation Administration regulations.
- 4) All appropriate FAA permit (s) shall be included with site plan submission.
- 5) Access to the runway and taxiway shall be controlled by an approved method of either a vegetative or natural buffer or by fencing of at least six (6) feet in height as determined by the Boards.
- 6) There shall be a minimum three hundred (300) foot setback from the airstrip and any adjoining residential property.
- 7) Accessory structures associated with the use shall meet the setback requirements for primary structures for the underlying zoning district.

INFORMATION ON PROPOSED AIRSTRIP/LANDING FACILITY:

Mr. Black has applied to the Federal Aviation Administration, (FAA) and to the North Carolina Department of Transportation, (NCDOT) for a permit for a private aircraft landing area. Both the FAA and NCDOT have approved a permit for a new facility if the use is approved. These permits are required to determine that a private airstrip will not adversely affect the safe and efficient use of navigable airspace. The proposed name for the private airstrip/landing facility is "Heavenly Acres".

The airstrip will have a turf surface with dimensions of 1,100 ft. in length and 60 ft. in width. The runway orientation is 36/18, meaning that it oriented in a north/south direction as if you were reading a compass. Thirty-six (36) is representing 360° (north) and the eighteen (18) is representing 180° (south). The latitude is 36°31' 23.04"N and the longitude is 80° 16' 39.45"W. The airstrip/landing facility will not be lighted and the only proposed landing aid is a windsock.

STAFF COMMENTS: The Planning staff does not see a major problem with the request. The applicant, Mark Black has stated the intent to utilize the private airstrip is for recreational purposes and for convenience for traveling back and forth in his business. The airstrip/landing facility would be considered an accessory use to the primary use of the property as a place of residence. Mr. Black is constructing a home on the property near the proposed airstrip which is near completion. The request to change the use of a portion of the property still maintains the current land use pattern of scattered residential, forestry, and agricultural uses in the area. The addition of the Airstrip/Landing Facility for private use should not disrupt the current land use pattern in the area. The rezoning petition comes to the Board as a Conditional Zoning request. The Board may ask specific questions about the proposed change of use. The recommendation from the Planning Board concerning the petition either in favor of or opposed too should be based on consistency with the current Land Development Guide and also a determination of whether the decision rendered is reasonable.

PUBLIC INFORMATION MEETING: The Public Information Meeting for this proposal was held on April 29th, 2014 at 2:00 pm at the site.

The following was provided to Planning Director Sudderth from Mr. Black pertaining to his Public Information Meeting:

- A Public Information Meeting was held on April 29, 2014 at 2:00 pm at the tobacco barn at the proposed Private Landing Strip
- An aerial view was explained to all attendees
- The Landing Strip and the Hangar were explained in detail
- A picture was provided to better acquaint everyone with what type of airplane would occupy this private strip
- It was explained the FAA and NCDOT approvals have already been attained
- Attendees:
 - William B Martin
 - Marion Hall
 - Sandra Moffitt
 - James Stowe
 - Kyle Kesselring
 - Gregory Martin
- Questions asked:
 - Would this be for transportation or hobby? Answer: Hobby and Transportation, will be flying the aircraft to other airports but will also just fly around for fun
 - A couple of people wanted to take a ride
 - How much noise does it make? Answer: About the same as a lawn mower or tractor.
 - Marion Hall, a pilot himself, answered and said , “you will never hear it or know when he is flying unless you look up”

- Everyone at the meeting agreed that they could see no problem with the air strip.

Director Sudderth commented:

- The Public Information Meeting is proving itself to be very useful
- Mr. Black met some of his new neighbors at this meeting
- Neighbors were given detail information about the rezoning request
- Neighbors were allowed to ask questions
- There have been no complaints or negative comments regarding the rezoning request

PLANNING BOARD RECOMMENDATION: The Planning Board recommended by a vote of 6 to 0 rezoning petition number 14-231 for Mark Black for the purpose of constructing an “Airstrip/Landing Facility – Private Accessory Use on 2.849 acres. The Planning Board stated that the request was consistent with the Stokes County Land Use Guide and that the rezoning was a reasonable request.

Conditional Rezoning Petition and Statement of Consistency and Reasonableness

Director Sudderth presented his recommendation regarding the Conditional Rezoning

Petition Statement of Consistency and Reasonableness for the Board’s review:

**STOKES COUNTY PLANNING & COMMUNITY DEVELOPMENT
DEPARTMENT**

1014 MAIN STREET PO BOX 20 DANBURY, NC 27016
OFFICE 336-593-2439 OR 336-593-2444 FAX: 336-593-5434

**Conditional Rezoning Petition
Statement of Consistency and Reasonableness**

Case No. **#14-231**

Applicant: **Mark Black**

Parcel ID# **Portion of parcel 6021-00-41-5844**

Location: **2775 NC 704 W, Lawsonville, NC 27025**

Proposed Amendment: **Rezone approximately 2.849 acres from RA (Residential Agricultural) to RA-CZ (Residential Agricultural Conditional Zone) for an “Airstrip/Landing Facility, Private Accessory Use.”**

The Stokes County Land Development Guide designates the proposed site as being located in the Northern Area and shown as “Rural” class. The Land Development Guide Goals for the Northern area identifies the area having potential for promoting diversification of income for small farms and rural land owners as well as encouraging development of tourism related businesses.

Rural Class: Definition:

The purpose of the Rural Class is to provide for agriculture, forestry, mineral extraction and other allied land uses. Areas meeting the intent of the Rural classification are appropriate for or presently used for agriculture, forestry, mineral extraction and other uses that due to their hazardous or noxious nature should be located in a relatively isolated and undeveloped area. Very low density dispersed single family residential uses are also appropriate within the Rural Class.

This proposed amendment #14-231 **appears to be consistent** with the Stokes County Land Development Guide and other adopted plans in that: The Land Development Guide designates the proposed area as Rural Class and the requested use is for an Airstrip/Landing Facility which is for private use and would be considered an accessory use on the property. The primary and current use of the property remains for residential, agricultural and forestry use which is a consistent use within the Land Development Guide for this area of the county.

This proposed amendment **appears to be reasonable** and in the public interest in that: The property is currently zoned RA (Residential Agricultural) and the request to rezone 2.849 acres out of a 72.46 acre tract to RA-CZ (Residential Agricultural Conditional Zone) for an Airstrip/Landing Facility, Private Use appears to be reasonable use of the property.

Chairman, Planning Board: _____

Date: _____

Chairman, County Commissioners: _____

Date: _____

Director Sudderth reiterated:

- All decisions and motions made on a Conditional Zoning must be based on the fact that it is consistent
- The Conditional Rezoning Petition Statement of Consistency and Reasonableness is my recommendation and not binding on the Board of Commissioners
- My job is to see whether it does or does not fit into the Land Use Plan
- My opinion is that this rezoning request does fit into the Land Use Plan
- If the Board does not agree with my recommendation, then the Board will have to have justification that it does not fit into the Land Use Guide

Discussion

Chairman Booth opened the floor for discussion.

Commissioner Walker questioned Director Sudderth if there had been other requests similar to Mr. Black's?

Director Sudderth responded:

- There are some airstrips in the County
- This is the first airstrip request since I have been Planning Director

- Most of the airstrips that are in the county have been in the County a long time
- Have not had any issues with the ones already in the County

Commissioner Walker commented:

- Not aware of any issues with the airstrips already in the County

Director Sudderth commented:

- This is an accessory type use on a large tract of land (72.46 acres)
- Mr. Black will be living on the land once his house is completed
- Mr. Black is very concerned with what his neighbors think
- Mr. Black does want to cause anyone any problems in his neighborhood
- There were no other recommended conditions by the Planning Board in addition to what is required for the airstrip

Action

Chairman Booth entertained a motion.

Commissioner Lankford moved to approve the Rezoning Request for Mark Black to rezone approximately 2.849 acres (RA - Residential Agricultural to RA-CZ –Residential Agricultural Conditional Zone) for an “Airstrip/Landing Facility, Private Accessory Use” with the request being consistent with the Stokes County Land Development Use Guide. Vice Chairman Jones seconded and the motion carried unanimously.

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS **Rezoning Request – American Tower LLC - RA to RA-CZ #14-260 (James & Margaret Byrd Property)**

Chairman Booth noted the next Rezoning Request is from American Tower LLC to rezone a 100 x 100 (10,000 sq. ft.) leasehold area for the construction of a 199 ft. wireless telecommunication tower facility on the property of James and Margaret Byrd (RA to RA-CZ) known as Willow Creek.

Public Hearing

Chairman Booth opened the Public Hearing for the Rezoning Request for American Tower LLC (RA to RA-CZ) #14-260).

There were no public comments.

Chairman Booth submitted the following to the Clerk for the record:

- Ms. Byrd surveyed her neighbors one mile north and one mile south regarding the rezoning request and provided the signed surveys to the Chairman
- Ms. Byrd received the following responses:
 - Fifty-one (51) approves a tower
 - Two (2) stated to do as we need to with our land
 - Six (6) were neutral
 - Seven (7) did not respond
 - Could not find one person
 - Two (2) disapproved a tower

Chairman Booth closed the Public Hearing.

Presentation and Discussion by Planning Director David Sudderth

Planning Director David Sudderth noted the Board would be hearing two (2) similar requests from American Tower LLC at tonight's meeting.

Planning Director David Sudderth presented the following information regarding the Rezoning Request for American Tower (RA to RA-CZ) (James and Margaret Byrd #14-260):

REQUEST: American Tower LLC is requesting to rezone a 100 x 100, (10,000 sq. ft.) leasehold area for the construction of a 199ft. wireless telecommunication tower facility identified as "Willow Creek".

SITE OWNER: James and Margaret Byrd

APPLICANT: American Tower LLC

INITIAL SERVICE PROVIDER: AT&T Mobility

TOWER SITE IDENTIFIER: Willow Creek 174-487

SITE LOCATION: The property is located on the east side of Brims Grove Rd. (SR# 1136) approximately .7 mile from the intersection of Brims Grove Rd and NC Hwy 268.

Map: 5986

Parcel: 4057

PIN #: 5986-01-48-4057

Deed Book: 645

Page: 49

Township: Quaker Gap

SITE INFORMATION:

PARCEL SIZE: Total tract 21.51 acres

PROPOSED LEASE LOT: (.23 acres), 10,000 sq. ft. (100 ft. x 100 ft.)

PROPOSED TOWER HEIGHT: 199 FT.

PROPOSED TOWER TYPE: Monopole tower located within a 60 ft. x 80 ft. fenced equipment compound with no guide support. There is a radius around the leased area, in this case, it will be 219 feet where you can't put any habitable structures. Can have an accessory building or farm under it

CAPACITY: (4) Antennae arrays

CURRENT ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED ZONING DISTRICT: RA-CZ (Residential Agricultural Conditional Zone)

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 3710598600J

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: N/A

EMERGENCY SERVICES: Double Creek VFD, EMS - Station # 103/104 Pinnacle

ACCESS: Access for the site will be from a proposed 30 ft. access easement beginning at Brims Grove Rd. (SR# 1136) running adjacent to the Kay Slate Spaugh property on the south and east sides of her property and terminating at the leased area. The easement is incorporated entirely within the James and Margaret Byrd property.

SURROUNDING LAND USE: The surrounding land use is scattered mixed residential development, agricultural and forestry land.

ISSUES TO CONSIDER:

- Increasing telecommunication capabilities throughout the county
- Visual impact, aesthetics on surrounding properties
- Issues brought up at the Public Information Meeting

STAFF COMMENTS: The proposed site meets the requirements as set forth in Appendix B of the Stokes County Zoning Ordinance. Carolina Telecommunication Services has given us a letter of approval stating that the applicants have fulfilled the technical requirements of the ordinance, (see attached). A staff review of the application and site concur with this recommendation. There is an effort by AT&T Mobility to expand service areas and fill in gaps in the county which currently have poor telecommunication service or no service. This proposal appears to meet a growing need of the communities in the county. The Board may establish additional conditions on the conditional zoning request. In reviewing past experiences regarding communication tower approvals, I would recommend the Board establish a time frame for the building permit for the facility to be obtained. The recommendation would be for one (1) year from the date of approval and be subject to the following requirement found in the Stokes County Zoning Ordinance.

Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal based on the requirements as set forth in Section 133 (Vested Rights).

I have explained to the applicants that if these facilities are approved and construction is delayed, the public wants to know what the holdup is. It is not the intent of the department or the county to require the applicant to perform additional steps but is the intent to encourage the companies to complete the approved projects in a timely manner.

Director Sudderth commented:

- This is a positive movement
- Competition is always good
- Not had much from AT&T
- Receive numerous calls wanting to know when the next tower is going up in the County, hoping it will give them coverage or improve their existing coverage
- Based on past experience, for example – Pringle Road, the Planning Board established a timeframe for the permit
- Tower approvals generate a lot of concern, when a tower does start to go up after the approval, County receives a lot of telephone calls regarding when the tower will be completed and ready for use
- No one spoke at the Planning Board Meeting
- Received an email of concern about possible health issues from some neighbors
- When dealing with telecommunication towers/facilities, the radiation that is put off is not something that you can use to deny a tower request
- Federal government requires tower companies to meet federal guidelines
- There were some concerns about honeybees, research shows the honeybees are dying from a mite with communication towers not impacting their population

PUBLIC INFORMATION MEETING: The Public Information Meeting for this proposal was held on November 3, 2013 at 1:00 pm on the property of James and Margaret Byrd.

The following was provided to Planning Director Sudderth from American Tower, LLC regarding the Public Information Meeting:

- Notification of the Public Information Meeting was provided by letter dated October 13, 2013
- Public Information Meeting was held on November 3, 2013 at 1:00 pm on the property owned by James and Margaret Byrd located off of Brims Grove Road, Pinnacle
- There were 19 in attendance for the Public Information Meeting
- Summary of issues at the Public Information Meeting:
 - Karen Kemeraït provide information about American Tower's and AT&T's plans to locate a 199 ft. monopole on property owned by James and Margaret Byrd that consists of approximately 21.51 acres and is located off of Brims Grove Road in Pinnacle
 - The following issues were raised:
 - The visibility and aesthetics of the tower
 - Any health effects from the antennas
 - Where the tower will have an effect on the bees in the area
 - Whether helicopters will continue to land on the property
 - Dates for the public hearings

PLANNING BOARD RECOMMENDATION: The Planning Board recommended by a vote of 6 to 0 rezoning petition number 14-260 for American Tower LLC to construct a "199 ft. Wireless Telecommunication Facility on a 10,000 sq. ft. leasehold lot on the property of James and Margaret

Byrd. The Planning Board stated that the request was consistent with the Stokes County Land Use Guide and that the rezoning was a reasonable request.

Conditional Rezoning Petition and Statement of Consistency and Reasonableness

Director Sudderth presented his recommendation regarding the Conditional Rezoning Petition Statement of Consistency and Reasonableness for the Board's review:

**STOKES COUNTY PLANNING & COMMUNITY DEVELOPMENT
DEPARTMENT**

1014 MAIN STREET PO BOX 20 DANBURY, NC 27016
OFFICE 336-593-2439 OR 336-593-2444 FAX: 336-593-5434

**Conditional Rezoning Petition
Statement of Consistency and Reasonableness**

Case No.	#14-260
Applicant:	American Towers LLC / AT&T -Carrier
Property Owner:	James and Margaret Byrd
Parcel ID#	Portion of parcel 5986-01-48-4057
Location:	Brims Grove Rd.

Proposed Amendment: **Rezone approximately 10,000 sq. ft. from RA (Residential Agricultural) to RA-CZ (Residential Agricultural Conditional Zone) for a Wireless Telecommunication Facility - 199 ft. monopole tower.**

The Stokes County Land Development Guide designates the proposed site as being located in the Central Area and shown as Rural Class. The Land Development Guide for the Central area identifies the area having potential for a tourist market provided by the natural scenic beauty, use of the Dan River for recreation, popularity of bicycling, historical features and the proximity to nearby urban centers, (Pilot Mountain).

Goals for the Central area include the following:

- Encourage development of destination/hospitality accommodations and tourist related business in vicinity of Hanging Rock State Park.
- Improve exposure of central Stokes County from US 52 (I-73), and to regional markets of the Piedmont Triad and Raleigh-Durham, Chapel Hill areas.
- Develop a form of public control to complement and retain character of area surrounding Hanging Rock state Park.

Rural Class: Definition:

The purpose of the Rural Class is to provide for agriculture, forestry, mineral extraction and other allied land uses. Areas meeting the intent of the Rural classification are appropriate for or presently used for agriculture, forestry, mineral extraction and other uses that due to their hazardous or noxious nature should be located in a relatively isolated and undeveloped area. Very low density dispersed single family residential uses are also appropriate within the Rural Class.

This proposed Conditional Zoning request #14-260 **appears to be consistent** with the Stokes County Land Development Guide and other adopted plans in that: The Land Development Guide for the Central District encourages increasing the exposure of the county to regional markets in the state by promoting recreation and tourism in the county. With the goal of increasing tourism comes the need to increase infrastructure capabilities, in this case communications needs throughout the county. Locating new wireless facilities in areas of the county currently not served or areas that receive poor service helps promote these goals. The Land Development Guide designates the proposed location of the Wireless Telecommunication Facility as Rural class. The placement of a 199 ft. monopole wireless telecommunication tower should not undermine the primary and current use of the land for residential, agricultural and forestry use which is a consistent with the stated definition in the Land Development Guide for this area of the county.

This proposed amendment **appears to be reasonable** and in the public interest in that: The property is currently zoned RA (Residential Agricultural) and the request to rezone 10,000 sq. ft., (.23 ac.) out of a 21.51 acre tract to RA-CZ (Residential Agricultural Conditional Zone) for a 199ft. monopole “ **Wireless Telecommunication Facility**” appears to be a reasonable use of the property.

Chairman, Planning Board: _____

Date: _____

Chairman, County Commissioners: _____

Director Sudderth introduced Communication Consultants Rusty Monroe and Jackie Hicks, Carolina Telecommunications Services, LLC.

Mr. Monroe commented:

- Have been the County’s Communication Consultants for the past nine (9) years
- Would like to inform the Board that I will be semi retiring
- Ms. Hicks now owns the business
- New name is Carolina Telecommunications, LLC
- I will be a consultant to Ms. Hicks
- Business is the same
- Would like to turn the program over to Ms. Hicks for tonight’s presentation

Ms. Hicks commented:

- The application was found to be in compliance with the Stokes County Zoning Ordinance, Appendix B, Wireless Telecommunications Requirements and Guidelines
- Karen Kemerait, who represents AT&T and American Tower LLC, has done everything in her power to make sure everything has been done
- Support the application

Discussion

Chairman Booth opened the floor for discussion.

Commissioner Walker confirmed with Ms. Hicks that this application is “business as usual” and a vast majority in the community wants to see this tower for better communication.

Ms. Hicks noted that there were several people at the Public Information Meeting that had their concerns (especially about the bees) satisfied and did not come to the Planning Board Meeting.

Ms. Hicks also noted that everyone that had questions or concerns is in favor of the tower now; you will always have someone who opposes a new tower.

Attorney Karen Kemerait, presented the following presentation for actually both applications on behalf of AT&T, American Tower, LLC, James and Margaret Byrd (Willow Creek) for rezoning request #14-260 (199 ft. monopole tower) and James C. Collins Jr (Chimney Sweep) for rezoning request #14-261 (184 ft. monopole tower):

- Ms. Kemerait provided members with a packet of information regarding each application
- American Tower, LLC will construct and own each tower
- American Tower, LLC will be leasing space on the tower to different carriers
- Have one confirmed carrier (AT & T) for Willow Creek and Chimney Sweep
- AT&T began this process when it was determined there was no coverage in the areas
- Once the towers are constructed, there will be room for 4 antennae arrays (4 carriers)
- Three other carriers will be able to locate on each tower in this area without construction of another tower
- Wireless Industry has been changing rapidly in the past five to ten years

- Need for infrastructure and wireless services has continued to increase partly because many are getting rid of their land line phones and also because of the development of the “smartphones”
- Smartphones can be used for so many other purposes other than just the typical telephone network system
- Public is relying more and more increasing on wireless services both for safety and convenience
- Smartphones can access public safety services when land line phones are not working
- Infrastructure is very important to counties and communities for economic development purposes
- Prospective homebuyers always ask about wireless services
- These applications are very important to AT&T and American Tower, LLC because as the demand for wireless services has increased with the economy, AT&T and American Tower have not been expanding their network
- Both companies have been trying to change and have been making significant investments in a number of counties in North Carolina including Stokes County
- AT&T is also looking to collocate their antennas on existing towers in Stokes County to provide additional coverage
- Here today requesting the Board approve both applications (Willow Creek and Chimney Sweep) because our applications have met or exceeded the communications provisions of the Zoning Ordinance
- Are also in compliance with the County’s Land Development Guide
- Have provided in each application justification for the towers – gap in coverage in the areas
- AT&T always looks to collocate before constructing a new tower
- There are no towers within the area and no structure of great enough height to be attached to
- One of the questions at the Public Information Meeting was: “Could AT&T put its antenna on one of the towers on Sauratown Mountain to eliminate the construction of a new tower?”
 - Answer: That tower on Sauratown Mountain would be too far away to provide coverage to the needed area that AT&T is intending to service. There is an existing American Tower on Sauratown Mountain which AT&T intends to place an antenna
- There was an email about a US Cellular Tower located 2.5 miles away which is taller; the tower is located too far away to provide the needed service
- American Tower has worked diligently to find a good location for both towers
- Have worked to ensure both towers will have minimal or no impact to the surrounding properties
- Information is provided in the package (tab #6) regarding where coverage from the towers will be provided
- Each package included the following:
 - Conditional Zoning Application
 - Applicant’s Project Narrative and Statement of Compliance with the Stokes County Zoning Ordinance

- Site Plan and Tower Elevation
- Area Map
- Photo Simulations – Balloon Test
- RF Engineer’s Certification of RF Justification
- Community Outreach
- Property Impact Report
- Ms. Kemerait provided maps to detail the coverage areas
- Towers will not be required to be lighted
- Ordinance requires the antennas to be flush mounted (close to the tower)
- Will comply with all Federal FCC requirements
- Setback requirements have been exceeded
- Balloon tests were performed for each tower
- There will be no noise, glare or odor from the towers
- Towers will not generate traffic in the area
- Once the towers are constructed, there will be, at most, two or three vehicles to the towers each month (maintenance purposes)
- Both towers will be an unmanned site
- Michael Berkowitz, NC Real Estate Appraiser, has determined there was no adverse impact on the property or property values (tab #8) for each tower
- Another question that was raised at the Public Information Meeting was the effect on the bees in the area
- There has been some information on the internet that cell towers could be one of the causes of the Colony Collapse Disorder which is the demise of honeybees
- Have been in touch with Don Hopkins who attended the Planning Board Meeting
- Mr. Hopkins is an apiary inspector for the North Carolina Department of Agriculture
- He has spoken to some of the bee carriers in the area
- He was prepared to give testimony at the Planning Board Meeting that the losses are due to parasitic mites and the use of pesticides
- The theory that cell towers could be related to the Honeybee Colony Collapse Disorder has been basically dismissed
- All Federal and State requirements will be met
- A number of individuals are in attendance at tonight’s meeting in support of both towers to provide better service in the area
- There was a much larger group of citizens at the Planning Meeting who supported both applications to provide better service in the area

Action

Chairman Booth entertained a motion.

Commissioner Inman moved to approve the following Rezoning Request for American

Tower LLC:

- Rezone a 100 x 100 (10,000 sq. ft.) leasehold area for the construction of a 199 ft. wireless telecommunication tower facility on the property of James and Margaret Byrd (RA to RA- CZ) #14-260
- Include the one (1) year timeframe from the date of approval that will be subject to the following requirement in the Stokes County Zoning Ordinance:
 - Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal based on the requirements as set forth in Section 133 (Vested Rights)
- And with the request being consistent with the Stokes County Land Development Use Guide

Commissioner Lankford seconded and the motion carried unanimously.

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS
Rezoning Request – American Tower LLC - RA to RA-CZ #14-261

Chairman Booth noted the next Rezoning Request is from American Tower, LLC to rezone a 100 x 100 (10,000 sq. ft.) leasehold area for the construction of a 184 ft. wireless telecommunication tower facility on the property of James Collins Jr (RA to RA-CZ) known as Chimney Sweep.

Public Hearing

Chairman Booth opened the Public Hearing for the Rezoning Request for American Tower LLC (RA to RA-CZ) #14-261.

There following spoke during the Public Hearing:

Dean Gordon

1101 Coon Road

Pinnacle, NC 27043

Re: **American Tower LLC – RA to RA-CZ (#14-261)**

Mr. Gordon commented:

- Adjacent property owner to the proposed site
- Would like to speak in support of the communication tower to be constructed on Mr. Collins' property
- Welcome these cell towers
- This particular area is an extreme "dead zone"
- Have both a US Cellular and Verizon cellphone
- The US Cellular doesn't work at my house unless you are in the backyard with your hand up in the air at the right location

- Long needed in the area

Chairman Booth closed the Public Hearing.

Presentation and Discussion by Planning Director David Sudderth

Planning Director David Sudderth presented the following information Rezoning Request for American Tower, LLC (RA to RA-CZ) James Collins Jr (#14-261):

REQUEST: American Tower LLC is requesting to rezone a 100 x 100, (10,000 sq. ft.) leasehold area for the construction of a 184 ft. wireless telecommunication tower facility.

SITE OWNER: James C. Collins Jr.

APPLICANT: American Tower LLC

INITIAL SERVICE PROVIDER: AT&T Mobility

TOWER SITE IDENTIFIER: Chimney Sweep 174-726

SITE LOCATION: The property is located at 1163 Coon Rd.

Map: 5975

Parcel: 4215

PIN #: 5975-04-61-4215

Deed Book: 516

Page: 1308

Township: Yadkin

SITE INFORMATION:

PARCEL SIZE: Total tract 18.77 acres **PROPOSED LEASE LOT:** (.23 acres), 10,000 sq. ft. (100 ft. x 100 ft.)

PROPOSED TOWER HEIGHT: 184 FT.

PROPOSED TOWER TYPE: Monopole tower located within a 60 ft. x 80 ft. fenced equipment compound.

CAPACITY: (4) Antennae arrays

CURRENT ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED ZONING DISTRICT: RA-CZ (Residential Agricultural Conditional Zone)

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 3710596400J

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: N/A

EMERGENCY SERVICES: Pinnacle VFD, EMS - Station # 103/104 Pinnacle

ACCESS: Access for the site will be from a proposed 30 ft. access easement beginning at Coon Rd. (SR# 1154) and running to the site. The easement is incorporated entirely within the James Collins Jr. property.

SURROUNDING LAND USE: The surrounding land use is moderate density mixed residential development, agricultural, forestry and scattered commercial development along Old Hwy 52 from Pinnacle to Pilot Mountain.

ISSUES TO CONSIDER:

- Increasing telecommunication capabilities throughout the county
- Visual impact, view of Pilot Mountain from surrounding properties
- Issues brought up at the Public Information Meeting

STAFF COMMENTS: The proposed site meets the requirements as set forth in Appendix B of the Stokes County Zoning Ordinance. Carolina Telecommunication Services has given us a letter of approval stating that the applicants have fulfilled the technical requirements of the ordinance, (see attached). A staff review of the application and site concur with this recommendation. There is an effort by AT&T Mobility to expand service areas and fill in gaps in the county which currently have poor telecommunication service or no service. The proximity of the proposed site to US 52/I-73 corridor should provide expanded telecommunication services for the Pinnacle area and also to the traveling public along US 52/I-73. The Board may establish additional conditions on the conditional zoning request. In reviewing past experiences regarding communication tower approvals, I would recommend the Board establish a time frame for the building permit for the facility to be obtained. The recommendation would be for one (1) year from the date of approval and be subject to the following requirement found in the Stokes County Zoning Ordinance.

Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal based on the requirements as set forth in Section 133 (Vested Rights).

I have explained to the applicants that if these facilities are approved and construction is delayed, the public wants to know what the holdup is. It is not the intent of the department or the county to require the applicant to perform additional steps but is the intent to encourage the companies to complete the approved projects in a timely manner.

PUBLIC INFORMATION MEETING: The Public Information Meeting for this proposal was held on November 2, 2013 at 1:00 pm on the property of James C. Collins Jr.

The following was provided to Planning Director Sudderth from American Tower LLC regarding the Rezoning Request:

- Notification of the Public Information Meeting was provided by letter dated October 17, 2013
- Public Information Meeting was held on November 2, 2013 at 1:00 pm on the property owned by James C. Collins, Jr. located at 1163 Coon Road, Pinnacle
- There were 5 in attendance for the Public Information Meeting
- Summary of issues at the Public Information Meeting:
 - Karen Kemerait provide information about American Tower's and AT&T's plans to locate a 184 ft. monopole on property owned by James C. Collins Jr. that consists of approximately 18.77 acres and is located at 1163 Coon Road in Pinnacle
 - The following issues were raised:
 - Whether the tower could be located on Sauratown Mountain

- Visibility in front of Pilot Mountain for one neighboring property
- Changes made to the application as a result of the Public Information Meeting
 - Location of the tower on the property was moved so that the tower would be less visible in front of Pilot Mountain for the owners of a neighboring property
 - The location of the tower on the property was moved in response to concerns raised by the owners of a neighboring property

PLANNING BOARD RECOMMENDATION: The Planning Board recommended by a vote of 6 to 0 rezoning petition number 14-261 for American Tower LLC to construct a “184 ft. Wireless Telecommunication Facility on a 10,000 sq. ft. leasehold lot on the property of James Collins Jr. The Planning Board stated that the request was consistent with the Stokes County Land Use Guide and that the rezoning was a reasonable request.

Director Sudderth commented:

- Received no negative comments
- Located approximately 3.5 miles from the Brims Grove Tower (Willow Creek)
- Tower was moved as a result of the Public Information Meeting
- Has the same timeframe request as the Willow Creek Tower
- Communications Consultant, Jackie Hicks, stated that the application was found to be in compliance with the Stokes County Zoning Ordinance, Appendix B, Wireless Telecommunications Requirements and Guidelines
- Consultant Hicks supports the application
- Concur with Consultant Hicks

Conditional Rezoning Petition and Statement of Consistency and Reasonableness

Director Sudderth presented his recommendation regarding the Conditional Rezoning

Petition Statement of Consistency and Reasonableness for the Board’s review:

STOKES COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

1014 MAIN STREET PO BOX 20 DANBURY, NC 27016
OFFICE 336-593-2439 OR 336-593-2444 FAX: 336-593-5434

Conditional Rezoning Petition Statement of Consistency and Reasonableness

Case No.	#14-261
Applicant:	American Towers LLC / AT&T -Carrier
Property Owner:	James C. Collins Jr.
Parcel ID#	Portion of parcel 5975-04-61-4215
Location:	1163 Coon Rd.

Proposed Amendment: Rezone approximately 10,000 sq. ft. from RA (Residential Agricultural) to RA-CZ (Residential Agricultural Conditional Zone) for a Wireless Telecommunication Facility - 199 ft. monopole tower.

The Stokes County Land Development Guide designates the proposed site as being located in the southern part of the Central Area and northern part of the Southwest Area and could be considered a combination between the Rural Class designation and the Community Class designation. The Land Development Guide for the Central area identifies the area having potential for a tourist market provided by the natural scenic beauty, use of the Dan River for recreation, popularity of bicycling, historical features and the proximity to nearby urban centers, (Pilot Mountain).

Goals for the Central area include the following:

- Encourage development of destination/hospitality accommodations and tourist related business in vicinity of Hanging Rock State Park.
- Improve exposure of central Stokes County from US 52 (I-73), and to regional markets of the Piedmont Triad and Raleigh-Durham, Chapel Hill areas.
- Develop a form of public control to complement and retain character of area surrounding Hanging Rock state Park.

Goals for the Southwest area include the following:

- Enhance non-residential potential in areas outside watershed protection designation.
- Encourage residential growth in areas presently served by municipal services, within close proximity to US Hwy 52/I-73.

Rural Class - Definition:

The purpose of the Rural Class is to provide for agriculture, forestry, mineral extraction and other allied land uses. Areas meeting the intent of the Rural classification are appropriate for or presently used for agriculture, forestry, mineral extraction and other uses that due to their hazardous or noxious nature should be located in a relatively isolated and undeveloped area. Very low density dispersed single family residential uses are also appropriate within the Rural Class.

Community Class - Definition: The purpose of the Community Class is to provide for clustered, mixed land uses at low densities to help meet the housing, shopping and employment needs of rural areas. Areas meeting the intent of Community classification are presently developed at low densities that are suitable for private septic tank use. Municipal type services should be anticipated only to correct existing or projected public health hazards.

This proposed Conditional Zoning request **#14-261 appears to be consistent** with the Stokes County Land Development Guide and other adopted plans in that: The Land Development Guide for the Central Area encourages increasing the exposure of the county to regional markets in the state by promoting recreation and tourism in the county. Goals for the Southwest Area are to increase non-residential growth outside of watershed protection areas and to encourage residential

growth in areas served by municipal services in locations close to US 52/I-74. With the goal of increasing tourism, residential and non-residential uses in the area comes the need to increase infrastructure capabilities at all levels. Regarding communications needs throughout the county, locating new wireless facilities in areas of the county currently not served or areas that receive poor service helps promote these goals. The Land Development Guide designates the proposed location of the Wireless Telecommunication Facility as a combination of Rural Class and Community Class. The placement of a 184 ft. monopole wireless telecommunication tower should not undermine the primary and current use of the land as mixed residential low density, agricultural and forestry use which is consistent with the stated definitions in the Land Development Guide for this area of the county.

This proposed amendment **appears to be reasonable** and in the public interest in that: The property is currently zoned RA (Residential Agricultural) and the request to rezone 10,000 sq. ft. (.23 ac.) out of a 18.77 acre tract to RA-CZ (Residential Agricultural Conditional Zone) for a 184 ft. monopole “**Wireless Telecommunication Facility**” appears to be a reasonable use of the property.

Chairman, Planning Board: _____

Date: _____

Chairman, County Commissioners: _____

Date: _____

Discussion

Chairman Booth opened the floor for discussion.

Commissioner Walker commented:

- Confirmed with Director Sudderth that this tower is approximately 3.5 miles from the first application
- Little surprised that the towers are that close together
- Have no objection
- Support both applications
- Just curious how close these towers need to be to each other to give the coverage that is needed

Mr. Rusty Monroe responded:

- What determines the service area is not the ability of the antenna to reach out, it is the ability of the device to reach back to the antenna (two reasons)
- Now the newer devices are powered by .4 of 1 watt which is the same power of one Christmas tree bulb
- Limitation of the phone significantly limits the distance it will work, the phone has to reach back to the tower
- New phones are no ways as powerful as the older, bigger phones

- The other reason is the new services being provided, most notably streaming video and advance wireless service
- Both of which are very band width services; require a lot of band width
- These sites can only handle a given amount of traffic – so much capacity
- There are four major carriers, each carrier is going to need a site for approximately every 75 living units
- Comcast just announced it is getting into the cellular business
- Comcast, alone, states they don't know how many sites will be needed, but estimate between 1 million and 8 million sites
- There are currently about ½ million sites

Action

Chairman Booth entertained a motion.

Vice Chairman Jones moved to approve the following Rezoning Request for American

Tower LLC:

- Rezone a 100 x 100 (10,000 sq. ft.) leasehold area for the construction of a 184 ft. wireless telecommunication tower facility on the property of James C. Collins Jr (RA to RA- CZ) #14-261
- Include the one (1) year timeframe from the date of approval that will be subject to the following requirement in the Stokes County Zoning Ordinance:
 - Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal based on the requirements as set forth in Section 133 (Vested Rights)
- And with the request being consistent with the Stokes County Land Development Use Guide.

Commissioner Walker seconded and the motion carried unanimously.

Adjournment

There being no further business to come before the Board, Chairman Booth entertained a motion to adjourn the meeting.

Commissioner Inman moved to adjourn the meeting. Vice Chairman Jones seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

James D. Booth
Chairman